HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.11329 of 2005

Date: 27-04-2006

Between:

Smt. U.S.S. Nirmala

…. Petitioner/s

and

The Joint Collector,

Anantapur and others.

…Respondent/s.

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ORDER :

The petitioner was appointed as temporary Fair Price Shop Dealer of Shop No.2, Yellanur village and Mandal, by proceedings dated 20-3-2002 of the Revenue Divisional Officer, Anantapur, till permanent arrangements are made. While so, a notification was issued on 29-3-2005 inviting applications from the BC (General) category to fill up the vacancy on permanent basis. Questioning the same, the petitioner filed objections before the Revenue Divisional Officer stating that de-reserving the vacancy as bad and further without canceling her authorization, a fresh notification cannot be issued and requested to stop filling up of the vacancy the G.Os. mentioned in the notification have no relevancy and the same were superceded. The said objections were rejected and the same was intimated by the Revenue Divisional Officer and the present notification was issued. Questioning the correctness of the issuance of the notification, the present writ petition is filed contending that the relevant G.Os. mentioned in the notification have been superceded by G.O.Ms.No.53, dated 6-10-2003, therefore, the present notification issued is invalid and the same is liable to be set aside.

A counter is filed on behalf of the respondents admitting that mentioning of other G.Os. is only by inadvertence, but the guidelines issued in G.O.Ms.No.53, dated 6-10-2003 alone were taken into consideration. G.O.Ms.No.53, dated 6-10-2003 clearly prescribes the guidelines for appointment of a Fair Price Shop Dealer and the same were followed in notifying the said vacancy. According to guideline No.7, 15% is reserved for SCs; 6% is reserved for STs; 3% is reserved for Physically Handicapped persons; and 25% is reserved for BCs. Guideline No.7(3) stipulates that percentage of reservation prescribed by the Government at Divisional level on overall basis of the strength of the reservations provided shall be followed, treating the entire Revenue Division as Unit. Accordingly the Fair Price Shop No.2 has been reserved for BC (General) category and there is no illegality in reserving the said shop for BC (General) category. It is also stated that by reserving the same for BC (General) category, the petitioner's rights are no way affected and she always can participate in the selection process. It is further stated that in response to the notification, the applications were received and the date of interviews was fixed on 7-6-2005, but keeping in view of the stay granted by this Court on 17-5-2005, the interviews were postponed and they were not conducted, and therefore, prayed for dismissal of the writ petition.

Though the counter was filed on 28-6-2005, no reply affidavit has been filed controverting the counter averments.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

When once the respondents have asserted that the reservations were made in tune with the conditions contained in G.O.Ms.No.53, dated 6-10-2003, the petitioner who was appointed only as temporary Fair Price Shop Dealer will not have any right to question the notification, nor she can claim any right of appointment *dehors* the impugned notification.

The writ petition is accordingly dismissed as devoid of merits. No costs.

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A. GOPAL REDDY,J)

27-4-2006.

Msr.

HON'BLE SRI JUSTICE A.GOPAL REDDY

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27-04-2006

(Msr)